

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA KAMMEYER, et al.	:	Case No. C-1-01-649
	:	
Plaintiffs	:	Spiegel, J.
	:	
vs.	:	
	:	<u>PLAINTIFFS' RESPONSE ON</u>
CITY OF SHARONVILLE, et al.	:	<u>SUMMARY JUDGMENT</u>
	:	
Defendants	:	
	:	
	:	
	:	

Plaintiffs hereby provide notice that they no longer wish to delay the ruling on the motion for summary judgment based on statute of limitations. The deposition of the prosecutors are still not completed but sufficient evidence was gleaned from Dale Dorning as cited to the court to support the contention that defendant Cramer misled the prosecutor in this case. The deposition of Dale Dorning will not be completed until February 17, 2005 because of scheduling conflicts among the witness, his counsel and other counsel. The last session of the deposition was taken by counsel for defendant Cramer on January 31, 2005 and will be filed with the court as soon as the transcript is received. Among other facts, Mr. Dorning stated in this last session that very little new information was generated in his investigation which led to the indictment that was not already available to Cramer in the 1980s. This court should not let plaintiffs be defeated by the catch 22 created by the defendants. They covered up information needed by the prosecutor and then accuse plaintiffs of failing to sue even while plaintiffs were totally dependent on defendants for supplying evidence to the prosecutor that would support the prosecution. Equity will not

permit defendants to prevail. The motion for summary judgment based upon statute of limitations should be denied.

Respectfully submitted,

/s/ Alphonse A. Gerhardstein

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Certificate of Service

I here by certify that on February 7, 2005, the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Alphonse A. Gerhardstein

Alphonse A. Gerhardstein